

Members

Sen. Harold Wheeler, Chairperson
Sen. Robert Meeks
Sen. John Waterman
Sen. James Lewis
Sen. Katie Wolf
Sen. Richard Young
Rep. Claire Leuck, Vice-Chairperson
Rep. Susan Crosby
Rep. Ron Herrell
Rep. William Friend
Rep. Jack Lutz
Rep. Michael Smith



WATER RESOURCES STUDY COMMITTEE

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Authority: IC 2-5-25

MEETING MINUTES¹

Meeting Date: September 20, 1999
Meeting Time: 10:00 A.M.
Meeting Place: State House, 200 W. Washington St., Room 233
Meeting City: Indianapolis, Indiana
Meeting Number: 1

Members Present: Sen. Harold Wheeler, Chairperson; Sen. Robert Meeks; Sen. John Waterman; Sen. James Lewis; Sen. Katie Wolf; Rep. Susan Crosby; Rep. Ron Herrell; Rep. William Friend.

Members Absent: Sen. Richard Young; Rep. Claire Leuck, Vice-Chairperson; Rep. Jack Lutz; Rep. Michael Smith.

Sen. Wheeler, the chairperson, called the meeting to order at 10:10 A.M. After the members introduced themselves, Sen. Wheeler called upon Jim Hebenstreit, Assistant Director of the Department of Natural Resources (DNR), for a report concerning DNR's activities related to water usage.

Mr. Hebenstreit explained that the Water Resource Management Act of 1983 (codified at IC 14-25-7) gave DNR the responsibility of collecting data concerning Indiana water resources. DNR is responsible for collecting and tracking a variety of types of data. Mr.

¹ Except as otherwise noted, exhibits and other materials referenced in these minutes can be inspected and copied in the Legislative Information Center in Room 230 of the State House in Indianapolis, Indiana. Requests for copies may be mailed to the Legislative Information Center, Legislative Services Agency, 200 West Washington Street, Indianapolis, IN 46204-2789. A fee of \$0.15 per page and mailing costs will be charged for copies. These minutes are also available on the Internet at the General Assembly homepage. The URL address of the General Assembly homepage is <http://www.ai.org/legislative/>. No fee is charged for viewing, downloading, or printing minutes from the Internet.

Hebenstreit distributed to the Committee copies of the "Maumee River Basin Water Resource Availability" study as an example of the water resource availability studies that DNR is assembling for each watershed in Indiana.² DNR is currently developing a study of the White River basin. Mr. Hebenstreit then distributed "Trends in Indiana's Water Use 1986-1996", a report which tracks significant water withdrawal facilities (those that are capable of pumping 100,000 gallons of water or more per day) over a ten-year period.³ He noted that there are currently 3,500 significant withdrawal permits in Indiana. Finally, Mr. Hebenstreit distributed copies of "Indiana's Water Shortage Plan", an August, 1994 publication of DNR.⁴ The plan, which was developed by an advisory council that included citizen appointees, is primarily focused on drought situations. Mr. Hebenstreit indicated that DNR continues to collect data, including data on minimum stream usage.

In response to a question from the Committee, Mr. Hebenstreit explained that DNR tries to support river basin commissions, such as the Kankakee Valley commission, by attending meetings, providing information, and similar activities. He was unsure whether DNR has a large enough budget to provide monetary support to these commissions. In response to another Committee question, Mr. Hebenstreit stated that the water shortage plan has not been implemented this year, as the water shortage plan is geared towards a summer drought, while this year's has been a late drought. However, the Governor can declare a drought emergency. In response to another Committee question, Mr. Hebenstreit explained that the Indiana Code provides that if a significant water withdrawal source pumps a residential well dry, the significant user must replace the residential water source. This law has worked well in most situations. In some cases, new, deeper, wells are drilled, but drilling lower does not always produce good quality water.

In response to a question concerning whether other states are allowing mining companies to dump coal and fly ash into unused mines, raising a concern that the fly ash will leach into the water table, Mr. Hebenstreit indicated that he would have the Division of Reclamation look into the issue. The Committee agreed that this will be a topic for the next meeting.

The Chairperson then called upon Bob Kraft of the Indiana Farm Bureau to present the Farm Bureau's concerns. Mr. Kraft indicated that while drainage is not a concern this year, the Governor has requested that 65 counties be declared agricultural disaster areas because of the drought. The declaration is pending at the federal level. If the disaster is declared, because of federal rules concerning counties adjacent to counties that have been declared disaster areas, the entire state will be eligible for federal assistance. In addition, there is a great deal of danger from grass fires.

Mr. Kraft distributed a copy of the Farm Bureau's August, 1999, Local Issue Focus Teams

² Copies of "Water Resource Availability in the Maumee River Basin, Indiana" are available from Department of Natural Resources, Division of Water, 402 W. Washington Street, Room W264, Indianapolis, IN, 46204-2212, 317-233-2526.

³ Copies of "Trends in Indiana's Water Use, 1986-1996" are available from the Division of Water at the address set forth in note 2.

⁴ Copies of "Indiana's Water Shortage Plan" are available from the Division of Water at the address set forth in note 2.

questionnaire concerning drainage.⁵ He stated that in response to this questionnaire, the Farm Bureau has received numerous suggestions that something must be done to control runoff water from developments. Suggestions have included ensuring that each county drainage board include at least one member with agricultural experience, and that developments should be required to have an effective drainage plan. However, even if there is a drainage plan for a development, that plan may not be enforced. Mr. Kraft suggested that perhaps DNR should have specific enforcement and sanction powers concerning drainage, or that perhaps the Farm Bureau could bring actions against county drainage boards that are not doing their jobs. He pointed out that politically sensitive boards may be reluctant to act, which is a particular problem in counties where there is rapid development and growth.

Mr. Kraft stated that the Farm Bureau is initiating an environmental audit service for its members, which would include groundwater impact. To be eligible for the service, a farmer must be a Farm Bureau member, and there will be a fee. In addition, the Farm Bureau is resuming a well testing program for members, which will primarily focus on the presence of nitrates. They will compile results after a sufficient amount of data has been collected.

In response to a Committee question, Mr. Kraft indicated that the repeal of Indiana's current common fence law would meet with resistance from the Farm Bureau.

In response to a Committee question, Mr. Hebenstreit explained that DNR does not generally perform well or water testing. These tests are generally performed by the Indiana Department of Environmental Management or the State Department of Health. However, a record of well drilling or abandonment must be filed with DNR.

Tonya Galbraith, Indiana Association of Cities and Towns, stated that her association supported the 1999 changes to storm water management law, and pointed out that growing communities are also concerned about storm water management. She stated that the Environmental Protection Agency is requiring storm water management plans, and that the issue must be looked at on a regional basis.

Mrs. Barnes, of Madison County, stated that a 1,000 house development is being planned for the rural area in which she lives. She is concerned that adequate provisions have not been made for the sewage from this development. In the past, a trailer park was developed in her area, and wells were ruined. After Committee discussion, it was decided that this Committee was not the proper place to take up her concern, as IDEM should be the enforcement arm for this matter.

The next meeting of the Committee will take place on October 20, 1999, at 10:00 a.m. in Room 233, State House. At that time, the Committee will receive an update on the drought situation and a report from the Division of Reclamation concerning the burial of fly ash and its potential impact on ground water. The meeting was adjourned at 11:10 A.M.

⁵Copies available from LIC as set forth in note 1.